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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,950	09/18/2003	Susan Olvey	OLV-100R	7054
29847 7590 09/27/2007 Beusse Wolter Sanks Mora & Maire 390 N. ORANGE AVENUE SUITE 2500 ORLANDO, FL 32801			EXAMINER GABLER, PHILIP FRANCIS	
			ART UNIT 3637	PAPER NUMBER
			MAIL DATE 09/27/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/666,950

Applicant(s)

OLVEY, SUSAN

Examiner

Philip Gabler

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,9-11 and 13-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,9-11 and 13-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 23 August 2007 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ogilvie Jr. et al. (US Patent Number 6029582). Ogilvie (Figures 1-5 and 9) discloses a lock assembly to lock the orientation of an upwardly extending rib (formed by 40) foldably constructed from a flat column (40) of a blank structurally as claimed including first and second panels (81, 83) on either side of the flat column, and a flap (alternately viewed as 122 or 102) extending from one of said first or second panels, wherein said flap comprises at least two wing tabs (alternately viewed as 153 or tabs of 302, etc. at 101,

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based on which flap is considered) on opposing sides of said flap, the flap overlapping the first or second panel, but does not specifically disclose a locking method. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to lock the assembly as prescribed by Applicant's method because the normal use of Ogilvie's assembly would encompass the steps as set forth.

4. Claims 1-6 and 13-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogilvie in view of Helton et al. (US Patent Number 4875419).

5. Regarding claims 1 and 4, Ogilvie discloses a force resisting corrugated assembly foldably constructed from a generally flat blank, the blank having top and bottom ends and sides upon folding, said assembly comprising: a first assembled frame (20), said first frame comprising at least two jack panels (83, 87); at least three ribs (formed by 40, 50, 60), said ribs formed by folding said blank at predetermined locations and locked into place by folding lock assemblies (122, 142, etc. and associated components); and first and second edge panels (81, 89) defined on first and second ends, respectively, of said first frame, each of said first edge panel and said second edge panel comprising at least two jack passages (formed at 102, 104, etc.); and a second frame (22), said second frame comprising at least two jack panels; at least three ribs, said ribs formed by folding said blank at predetermined locations and locked into place by folding lock assemblies; and first and second edge panels defined on first and second ends, respectively, of said second frame, each of said first edge panel and said second edge panel comprising at least two jack passages (the jack panels, ribs, etc. as in the first frame); wherein said ribs of first and second frames comprise locking slots

(210, etc.); wherein said first and second frames are brought together in a perpendicular fashion such that the ribs of the first frame lock into place with the ribs of the second frame (see figures). Ogilvie does not disclose edge flaps. Helton (Figures 1 and 4) discloses a force resisting assembly including edge flaps (19, 20, etc.) at edge panels, wherein each of the edge panels folds to form an outer peripheral structure and the edge flaps fold toward ribs, and wherein the edge flaps are secured to first and second frames. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include edge flaps on Ogilvie's device as taught by Helton because this could strengthen the assembly by providing additional upright structure, as well as allowing a better connection between the frames.

6. Regarding claim 2, Ogilvie further discloses folding lock assemblies comprise wing tabs (153) to secure said ribs into place.

7. Regarding claim 3, Ogilvie further discloses two jack panels (83, 87) and four ribs (formed from 40, 50, 60, 70).

8. Regarding claim 5, Ogilvie further discloses said edge panels of said first and second frames are folded over (at 202, etc.) and secured into place (by 102, etc.) before, during, or after the ribs of said first and second frames are locked into place.

9. Regarding claim 6, Ogilvie further discloses said first and second frames comprise tab locks (153) defined near the periphery of said first and second frames; and edge panels comprise tab holes (formed by 101, etc.); wherein said tab locks and said tab holes are positioned such that tab locks are pushed through tab holes upon edge

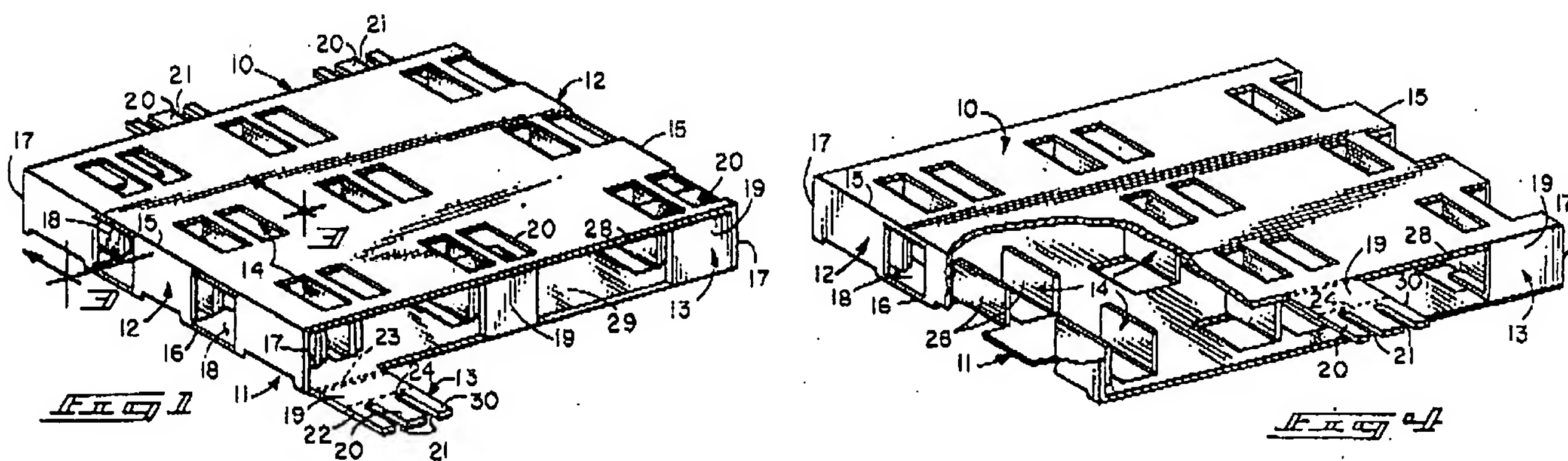
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panels being secured into place, whereby said tab locks increase the holding strength of said edge panels.

10. Regarding claims 13, 16, and 17, Ogilvie further discloses a water resistant coating which is a water-dispersible polymer suspension (see for example column 9 lines 53-55).

11. Regarding claims 14 and 15, Ogilvie further discloses application of a securing means (adhesive, see column 6 lines 26-29) and application of adhesive for securing the ribs of the first and second frames (see column 17 lines 54-56).

12. Regarding claim 18, Ogilvie, modified as described above, discloses a method of constructing a force-resistance corrugated assembly comprising obtaining a first and second frame (each comprising the structural limitations as claimed, see above) and interlocking said first and second frames by bringing them together in a perpendicular fashion such that their ribs lock (see column 16 line 23 to column 17 line 59).



Helton et al. '419 Figures 1 and 4

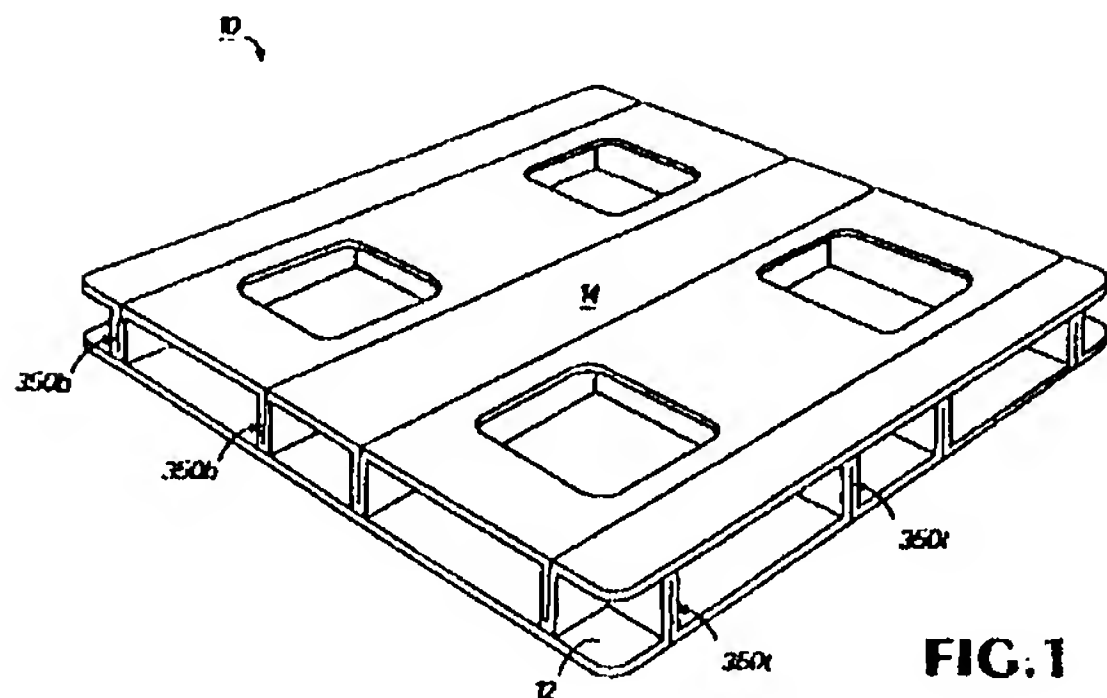


FIG. 1

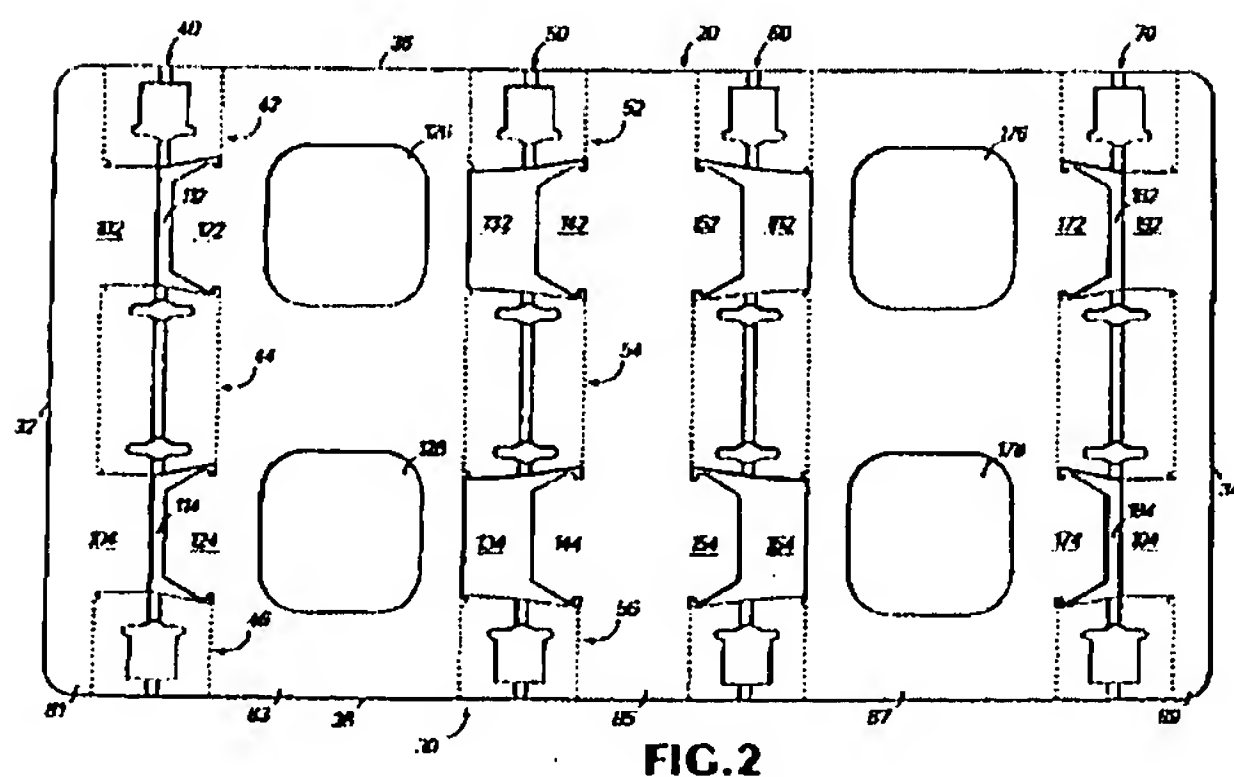


FIG. 2

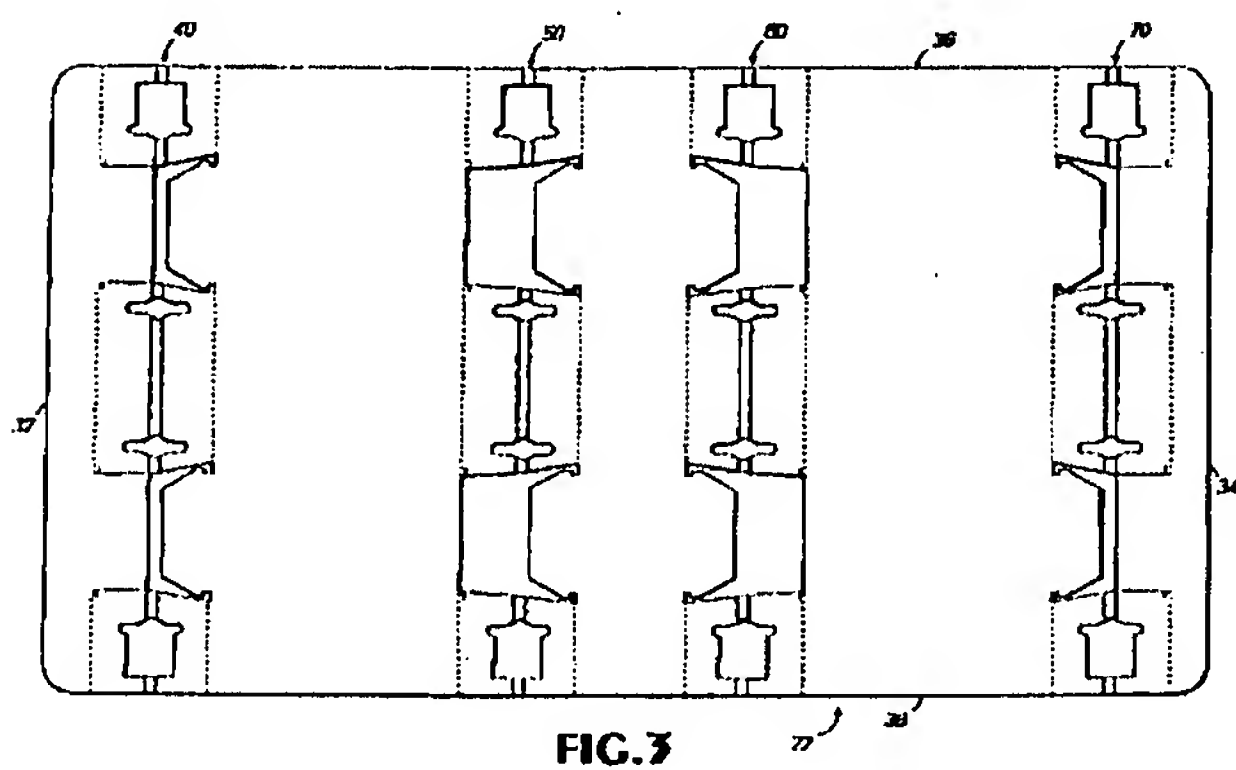


FIG. 3

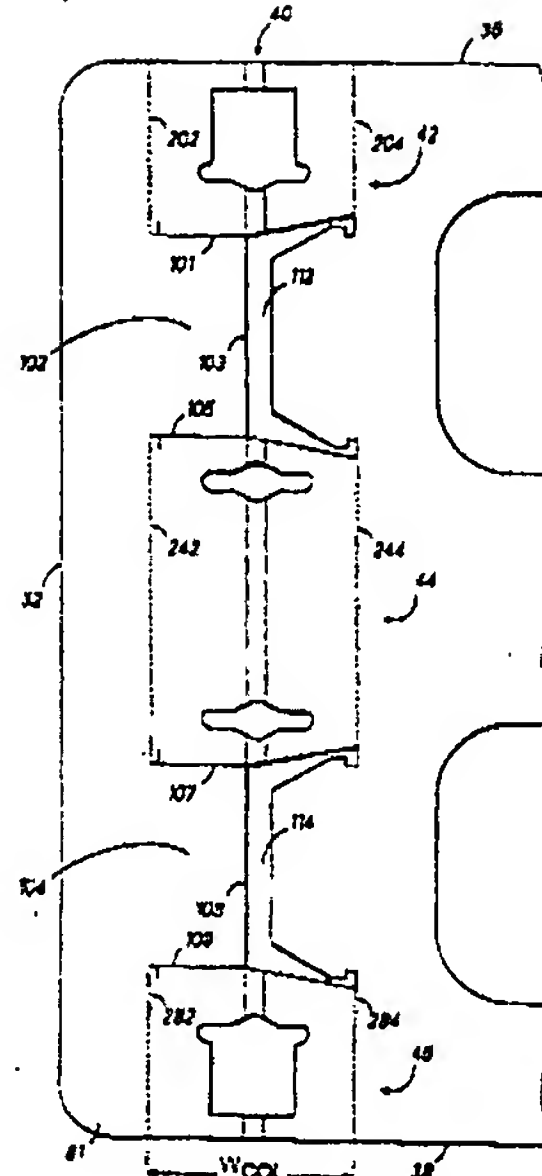


FIG. 4

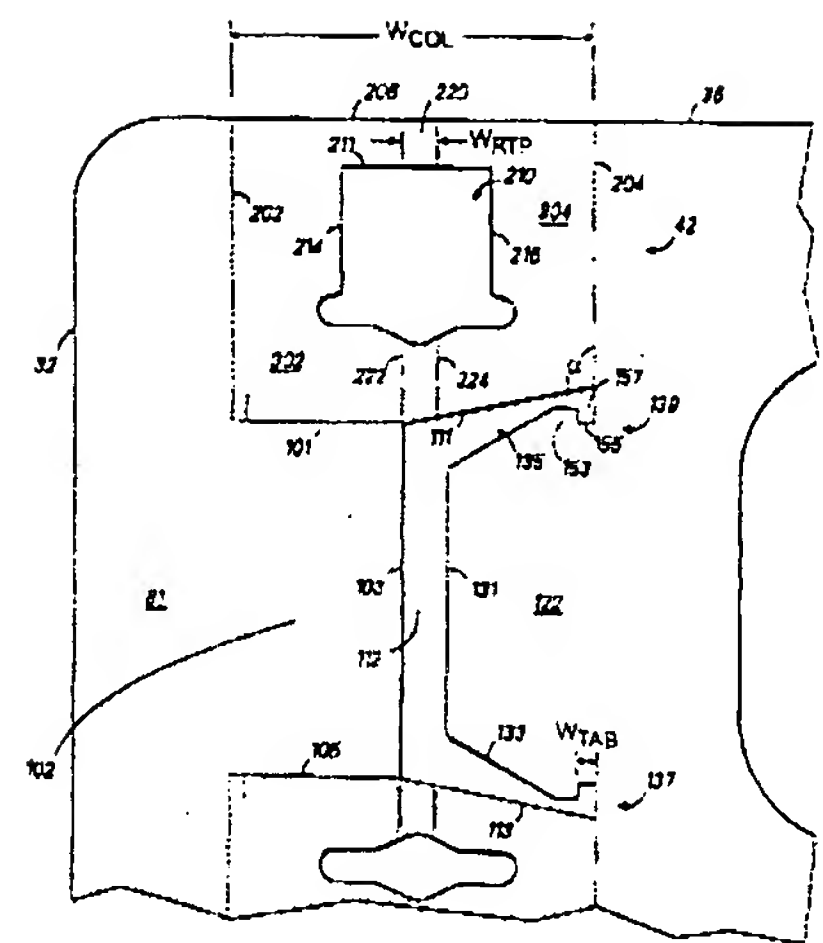


FIG. 5

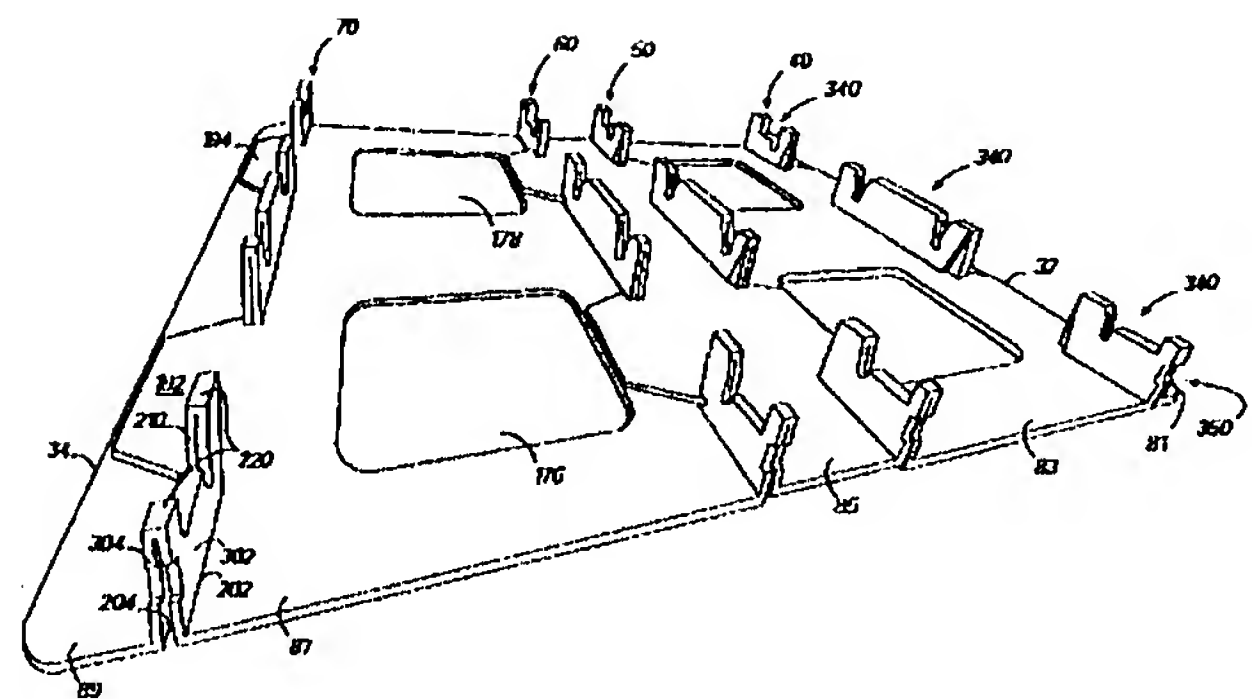


FIG. 9

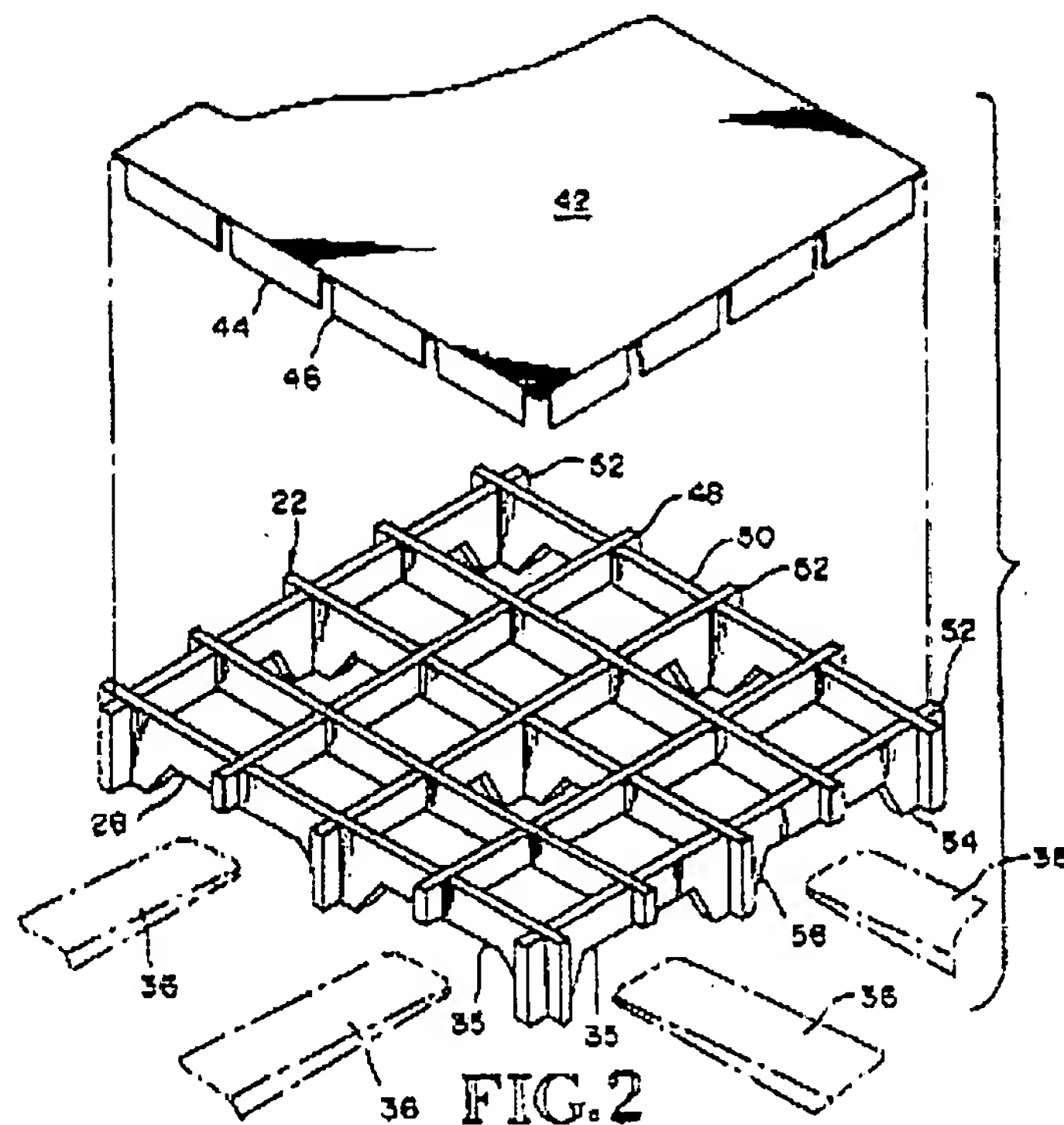
Ogilvie Jr. et al.'582 Figures 1-5 and 9

13. Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogilvie in view Helton and further in view of Chilcutt (US Patent Number 6155181).
Ogilvie, modified by Helton as described above, discloses an assembly as recited in

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claim 4 but does not disclose a flat piece of material for attaching to the assembly.

Chilcutt (Figure 2) discloses a generally flat, rectangular corrugated tray (42) comprising a plurality of tab locks (edges of 46) and a wall (44) on all four sides configured for attaching to an assembled frame (20). Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a corrugated tray in Ogilvie's assembly, previously modified by Helton, as taught by Chilcutt because this could strengthen the assembly by firmly maintaining the positions of the other members of the assembly as well as helping to support small items stored on the frame and prevent them from falling through spaces on the surface of the assembly.



Chilcutt '181 Figure 2

Response to Arguments

14. Applicant's arguments filed 23 August 2007 regarding the 35 USC 103 rejection of claim 19 have been fully considered but they are not persuasive. Although there is admittedly a difference in the design of Applicant's tabs in comparison with the Ogilvie reference, this difference is not believed to be clearly set forth in the claim language. The rejection has accordingly been maintained.

15. The remainder of Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

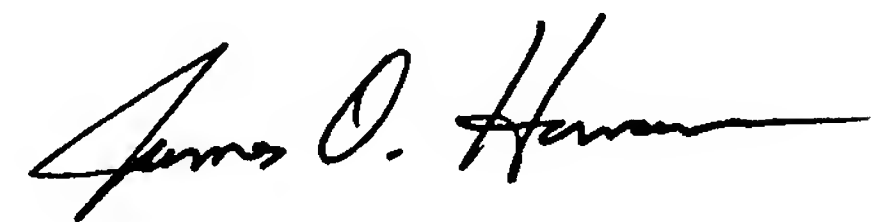
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip Gabler whose telephone number is (571) 272-6038. The examiner can normally be reached on Monday through Friday, 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PFG 
9/19/2007



JAMES O. HANSEN
PRIMARY EXAMINER